

SUPREME COURT OF DELAWARE

CATHY L. HOWARD
Clerk

AUDREY F. BACINO
Assistant Clerk
LISA A. SEMANS
Chief Deputy Clerk
LaTOYA S. BRADY
Senior Court Clerk
DEBRA J. ZATLOKOVICZ
Senior Court Clerk

SUPREME COURT BUILDING
55 THE GREEN
DOVER DE 19901

P.O. BOX 476
DOVER DE 19903

(302) 739-4155
(302) 739-4156
(302) 739-8091

January 2, 2007

Dear Member of the Delaware Bar:

Re: 2007 Annual Registration Statement and Certificate of Compliance

Attached is the 2007 Delaware Supreme Court Annual Registration Statement with the **assessment** schedule. **Please make sure that you use this year's registration form as there have been amendments to the form. If you register as an inactive attorney, you must apply on a yearly basis to maintain this status.** You must file the Annual Registration Statement with assessments with the Court by **February 1, 2007**. Failure to file in a timely manner will result in a late assessment of \$100.00. Lawyers who received Rules to Show Cause **in the past** for their failure to file their Annual Registration Statement in a timely manner are hereby placed on notice that they **may** be required to appear before the Court on a Rule to Show Cause and may incur sanctions if they again fail to file on time.

Please note that the Certificate of Compliance is a component of the Annual Registration Statement and not a separate document. Please return both the Annual Registration Statement and Certificate of Compliance to the Delaware Supreme Court.

Pursuant to Delaware Supreme Court Rule 74, the Court has authorized a Lawyers' Assistance Program to be funded by a grant to the Delaware State Bar Association to establish the program. The purpose of the program is to provide assistance to Delaware lawyers and members of the State Judiciary with alcohol, drug, gambling, emotional, behavioral or other personal problems that effect well-being and professional performance. Carol P. Waldhauser has been hired to be the Executive Director of the Lawyers' Assistance Program. To fund the Program, the Court is **increasing the assessment from \$15 to \$35** to be paid by active Delaware lawyers.

Supreme Court Rule 69(h) requires all lawyers to notify the Court in writing within 30 days of any change in the information provided in the lawyer's most recent Annual Registration Statement. If you change your office address, it is vital that you notify me immediately in writing on a sheet of your letterhead to ensure that your address is changed in the Judicial Information System. Many court scheduling notices and other papers are sent to the address that you list in your Annual Registration Statement. Only the Supreme Court can change the addresses in the Judicial Information System. Please note that sending change of address information to the Delaware State Bar Association does not constitute notice to the Court.

Please direct all completed Annual Registration Statements with assessments and Certificates of Compliance as well as all questions regarding the registration process to Cathy L. Howard, Supreme Court Clerk. My address and telephone number are: Delaware Supreme Court, P.O. Box 476, Dover, DE 19903 and (302) 739-4155 or contact me via e-mail at cathy.howard@state.de.us.

Very truly yours,
S/ Cathy L. Howard

Enclosures

2007
DELAWARE SUPREME COURT
ANNUAL REGISTRATION STATEMENT
AND CERTIFICATE OF COMPLIANCE
INSTRUCTIONS

- **Active Delaware Lawyers in PRIVATE PRACTICE in Delaware shall complete only:**
 - Section 1 – Registration Statement
 - Section 2 – IOLTA Statement
 - Designation of Lawyer in Event of Death or Incapacity
 - Statement of Status of Malpractice Insurance Coverage
 - Section 3 – Certification and Designation for Service of Process
 - Section 4 – Assessments
 - CERTIFICATE OF COMPLIANCE (Attached to Registration Form with separate instructions)
- **Active Delaware Lawyers in CORPORATE or GOVERNMENT PRACTICE or Active Delaware Lawyers having NO PRACTICE OR OFFICE in Delaware, shall complete only:**
 - Section 1 – Registration Statement
 - Section 3 – Certification and Designation for Service of Process
 - Section 4 – Assessments
 - CERTIFICATE OF COMPLIANCE (Attached to Registration Form with separate instructions)
- **Delaware Lawyers requesting INACTIVE STATUS shall complete only:**
 - Section 1 – Registration Statement
 - Section 3 – Certification and Designation for Service of Process
 - Section 4 – Assessments
 - Section 5 – Application for a Certificate of Inactive Status
 - Do not file a Certificate of Compliance
- **Delaware Lawyers requesting EMERITUS STATUS shall complete only:**
 - Section 1 – Registration Statement
 - Section 6 – Application for Emeritus Status
- **Please remember to sign and date your Annual Registration Statement.** Your Annual Registration Statement will not be accepted for filing unless it is signed. An unsigned Annual Registration Statement will be returned to you for signature.
- **Please return your Annual Registration Statement and Certificate of Compliance and any attachments with check to:**

Delaware Supreme Court
P.O. Box 476
Dover, DE 19903

If necessary to meet the February 1, 2007 deadline, your Annual Registration Statement with check and Certificate of Compliance may be hand-delivered to any of the Supreme Court offices.

DUE DATE: FEBRUARY 1, 2007

There will be a late fee assessment of \$100 for any Annual Registration Statement and Certificate of Compliance received after the due date.

Supreme Court Rule 69(h) imposes a continuing obligation to notify the Clerk of Court in writing within 30 days of any change in the information provided in the Delaware Bar member's most recent Annual Registration Statement.

Questions? Please call (302) 739-4155.

Please detach this instruction sheet when returning your Annual Registration Statement.

2007
DELAWARE SUPREME COURT
ANNUAL REGISTRATION STATEMENT

Section One: TO BE COMPLETED BY ALL DELAWARE LAWYERS

REGISTRATION

Name: _____

Supreme Court ID #: _____ Date of Birth: _____

Firm/Office Name: _____

Street: _____ P.O. Box: _____

City: _____ State: _____ Zip: _____ County: _____

Telephone: (____) _____ Fax: (____) _____

E-Mail Address: _____

Home Address: _____

City: _____ State: _____ Zip: _____ County: _____

Telephone: (____) _____

Admitted to Delaware Bar (Month & Year): _____

List all other jurisdictions, including federal courts or administrative agencies with corresponding bar

ID #, to which you are admitted to practice law: _____

Your current standing in those jurisdictions: _____

**Section Two: TO BE COMPLETED BY ACTIVE DELAWARE LAWYERS ENGAGED
IN THE PRIVATE PRACTICE OF LAW IN DELAWARE**

**STATEMENT OF STATUS IN DELAWARE
INTEREST ON LAWYER TRUST ACCOUNTS (IOLTA)**

- ☐ My firm has enrolled in the Delaware IOLTA program.
- ☐ My firm has opted out of the Delaware IOLTA program.
- ☐ My firm hereby opts out of the Delaware IOLTA program.
- ☐ My firm does not have any account(s) eligible for the Delaware IOLTA program.

DESIGNATION OF LAWYER IN EVENT OF DEATH OR INCAPACITY

In the event of my death or incapacity, I have made arrangements for another Delaware lawyer who is capable of conducting my legal practice to protect the interests of my clients.

Yes ☐ No ☐

If the answer is yes, please provide the name of the lawyer(s) and/or law firm(s):

STATEMENT OF STATUS OF MALPRACTICE INSURANCE COVERAGE

I have malpractice insurance coverage. Yes ☐ No ☐

If the answer is no, upon request, the Court will disclose that fact to the public.

Section Three: TO BE COMPLETED BY ALL DELAWARE LAWYERS

CERTIFICATION and DESIGNATION OF CLERK AS AGENT FOR SERVICE OF PROCESS

In the event that personal service cannot be made upon me, I hereby consent to the appointment of the Clerk of the Delaware Supreme Court as my agent upon whom service of process may be made for all actions, including disciplinary actions, that may arise out of my practice of law in the State of Delaware.

I hereby certify that all information contained in this Annual Registration Statement is true and correct.

SIGNATURE: _____ **DATE:** _____

Section Four: TO BE COMPLETED BY ALL DELAWARE LAWYERS

Enclose one check made payable to the Delaware Supreme Court. Law firms with more than one lawyer may issue, in the law firm's discretion, one check for all of the lawyers in the firm. If this option is exercised, a cover letter must be enclosed listing the assessment break-down for each lawyer for each category.

ASSESSMENTS

- ☐ (1) **Admitted to Delaware Bar more than 10 years as of January 1, 2007.**

(Pay this rate if you were admitted before January 1, 1997.)

Annual Registration	\$ 10.00
Lawyers' Fund for Client Protection	\$ 180.00
Office of Disciplinary Counsel	\$ 100.00
Lawyers' Assistance Program	\$ 35.00
Continuing Legal Education	\$ 10.00

Enclose one check in the amount of \$335 made payable to the "Delaware Supreme Court."

- ☐ (2) **Admitted to Delaware Bar more than 5 years but less than 10 years as of January 1, 2007.**

(Pay this rate if you were admitted after January 1, 1997 but before January 1, 2002.)

Annual Registration	\$ 10.00
Lawyers' Fund for Client Protection	\$ 120.00
Office of Disciplinary Counsel	\$ 50.00
Lawyers' Assistance Program	\$ 35.00
Continuing Legal Education	\$ 10.00

Enclose one check in the amount of \$225 made payable to the "Delaware Supreme Court."

- ☐ (3) **Admitted to Delaware Bar less than 5 years as of January 1, 2007.**

(Pay this rate if you were admitted after January 1, 2002.)

Annual Registration	\$ 10.00
Lawyers' Fund for Client Protection	\$ 90.00
Office of Disciplinary Counsel	\$ 20.00
Lawyers' Assistance Program	\$ 35.00
Continuing Legal Education	\$ 10.00

Enclose one check in the amount of \$165 made payable to the "Delaware Supreme Court."

- ☐ (4) **Presently employed by government or corporation on a full-time basis and maintaining no private practice whatsoever regardless of year admitted to the Delaware Bar.**

Annual Registration	\$ 10.00
Lawyers' Fund for Client Protection	\$ 80.00
Office of Disciplinary Counsel	\$ 10.00
Lawyers' Assistance Program	\$ 35.00
Continuing Legal Education	\$ 10.00

Enclose one check in the amount of \$145 made payable to the "Delaware Supreme Court."

- ☐ (5) **Applying for Certificate of Inactive Status.**

Annual Registration	\$ 10.00
Application Assessment	\$ 65.00

Enclose one check in the amount of \$75 made payable to the "Delaware Supreme Court" and your completed Application for a Certificate of Inactive Status (Section 5).

- ☐ (6) **Applying for Emeritus Status.** Application attached.

Annual Registration	\$ 10.00
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- ☐ (7) **Applying for Certificate of Retirement.** No Assessments. Send letter of request to the Clerk of Court.

Section Five:

To Be Completed by Delaware Lawyers Seeking INACTIVE STATUS

**DELAWARE SUPREME COURT
2007 APPLICATION FOR A CERTIFICATE OF INACTIVE STATUS**

To the Supreme Court:

Pursuant to Supreme Court Rule 69(d)(i), I herewith apply for a Certificate of Inactive Status and state that I am not actively engaged in the practice of law in Delaware. I have completed and returned my 2007 Annual Registration Statement.

I certify that there are no charges pending or threatened against me before any court, the Board on Professional Responsibility, or any similar disciplinary agency in this or any other jurisdiction. I further certify that I do not know of any facts respecting my conduct which would result in the filing of charges or disciplinary action against me.

Date: _____

Signature

Print Your Name

Address

City State Zip Code

2007 CERTIFICATE OF INACTIVE STATUS

The Supreme Court of Delaware, upon the representations contained in the above application for this Certificate, hereby issues a Certificate of Inactive Status to the above named applicant as a person who is not actively engaged in the practice of law in Delaware under Supreme Court Rule 69(d).

Date: _____

Clerk

**DELAWARE SUPREME COURT
2007 APPLICATION FOR EMERITUS STATUS**

To the Supreme Court:

Pursuant to Supreme Court Rule 69(g), I herewith apply for Emeritus Status and state that I am at least sixty-five (65) years of age, unless waiver thereof is granted, and I am in good standing at the time of this application. Except for special assignments pursuant to a Court order, I understand that I can only represent non-profit entities, including, *inter alia*, Internal Revenue Code §501(c)(3) entities, religious organizations, educational and governmental institutions as well as clients that inactive members of the Bar may represent pursuant to the existing Rules of the Supreme Court. I understand that I may not represent individuals, whether for compensation or not, except as permitted by Rule 69(g)(iv).

Date: _____

Signature

Print Your Name

Address

City State Zip Code

2007 CERTIFICATE OF EMERITUS STATUS

The Supreme Court of Delaware, upon the representations contained in the above application for this Certificate, hereby issues a Certificate of Emeritus Status to the above named applicant as a person who meets all the requirements of Supreme Court of Delaware Rule 69(g).

Date: _____

Clerk

2007
DELAWARE SUPREME COURT
CERTIFICATE OF COMPLIANCE

Note: Inactive and Emeritus Lawyers are not required to file Certificates of Compliance.

Some DEFINITIONS To Keep In Mind

Identity of Property. The identity and location of client funds and other property must be maintained at all times. [Comment 7(c) to Rule 1.15.]

Negative Balances. The disbursement of funds in an amount greater than the amount being held for such results in a negative balance in the trust/escrow account. [Comment 7(e) to Rule 1.15.]

“Firm” or “Law Firm”. “Firm” or “Law Firm” denotes a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization. [Rule 1.0(c) (emphasis added).]

ACCOUNTS AND ACCOUNT INFORMATION REQUIRED TO BE DISCLOSED:

-any escrow accounts established and maintained in connection with rendering legal services, except as noted below, including accounts where unearned legal fees are deposited;

-any escrow accounts in which the funds of clients and/or third parties are pooled;

-any estate accounts, where an attorney has signatory authority and/or control of funds, except for which disclosure is not required as provided herein below;

-any real estate accounts, used exclusively for real estate transactions.

DISCLOSURE NOT REQUIRED, notwithstanding above requirements:

-where there is a separate trust agreement, the terms of which set forth the responsibility and powers of the trustee with respect to the funds held;

-where a court of competent jurisdiction, such as a bankruptcy court, supervises the responsibilities, power, and control of the fiduciary over the funds held.

Please remember to sign and date your Certificate of Compliance. Your Certificate of Compliance will not be accepted for filing unless it is signed. An unsigned Certificate of Compliance will be returned to you for signature.

Please return your Certificate of Compliance attached to the Annual Registration Statement (Detach these instruction sheets when filing your Certificate of Compliance) to:

Delaware Supreme Court
P.O. Box 476
Dover, DE 19903

Questions? Call the Lawyers' Fund for Client Protection at (302) 577-7034.

2007
DELAWARE SUPREME COURT
CERTIFICATE OF COMPLIANCE
IDENTIFYING INFORMATION

Name: _____

Supreme Court ID No.: _____

Firm/Employer: _____

Address: _____

Telephone number: _____

Fax number: _____

E-mail address: _____

Section One: TO BE COMPLETED BY ALL ACTIVE DELAWARE LAWYERS

DECLARATION REGARDING PRACTICE

- (1) ☐ I am not engaged in the practice of law in Delaware.
(Certify by signing below.) **(Submit Section One only.)**
- (2) ☐ I am engaged in the practice of law in Delaware, and (select **one** of the following):
- (A) ☐ my entire compensation derived from the practice of law is received in my capacity as an employee or independent contractor handling legal matters of a corporation(s) or government entity or agency, AND I am not responsible for funds or property of any person(s) except that of my employer.(Certify by signing below.) **(Submit Section One only.)**
- OR**
- (B) ☐ my entire compensation derived from the practice of law is received in my capacity as an employee or independent contractor of a real estate settlement service, title company, or similar entity which provides legal services and as part of the legal services holds funds for clients and/or third persons.
(Certify by signing Section Four.)**(Complete and Submit Sections Two, Three and Four.)**
- OR**
- (C) ☐ I am NOT responsible for the maintenance of financial books and records required to be disclosed herein as the managing partner of a firm or otherwise; I am relying upon the 2007 Certificate of Compliance submitted by the following member of the Delaware Bar:
Name: _____
Supreme Court ID No.: _____
Firm: _____
(Certify by signing below.) **(Submit Section One only.)**
- (D) ☐ I am responsible for the maintenance of financial books and records required to be disclosed herein as the managing partner of a firm or otherwise.(Certify by signing Section Four.)**(Complete and Submit Sections Two, Three and Four.)**
- OR**
- (E) ☐ My practice of law is limited to uncompensated services to clients of one or more legal assistance programs AND I am not responsible for funds or property of any person in a fiduciary capacity (Submit Section One only.)

I HEREBY PERSONALLY CERTIFY TO THE DELAWARE SUPREME COURT THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

Signature _____ Date _____

Section Two: TO BE COMPLETED BY ACTIVE DELAWARE LAWYERS WHO ARE ENGAGED IN THE PRACTICE OF LAW IN DELAWARE and WHO ARE RESPONSIBLE FOR THE MAINTENANCE OF FINANCIAL BOOKS AND RECORDS REQUIRED TO BE DISCLOSED HEREIN AS THE MANAGING PARTNER OF A FIRM OR OTHERWISE Per Section One, (2)(B) or (D).

PLEASE ANSWER EACH QUESTION YES OR NO AS TO ACCOUNTS REQUIRED TO BE DISCLOSED HEREIN.

1. All federal, state and local payroll, gross receipts, and income taxes required to be filed have been filed and all taxes due thereon have been paid on a timely basis.
NOTE: If answering "NO", provide specific information in an attached letter, including which taxes were not filed or paid, the amounts of taxes due and the periods involved. ☐ Yes ☐ No ☐ N/A
2. Rule 1.15A account designation.
 - (A) Attorney trust/escrow account(s) are maintained ONLY with financial institutions that have agreed to comply with overdraft notification and which are identified by the Lawyers' Fund for Client Protection as Rule 1.15A-designated institutions. ☐ Yes ☐ No ☐ N/A
 - (B) Each attorney trust/escrow account maintained is expressly designated on bank statements as a Rule 1.15A account in the account title.
NOTE: If an attorney trust/escrow account is not titled as a Rule 1.15A account on the bank statement, you are required to attach a letter of explanation to your Certificate of Compliance, and you are also required to submit a copy of a bank statement after the financial institution correctly identifies the account as a Rule 1.15A account in the account title. ☐ Yes ☐ No ☐ N/A
3. Any and all fiduciary funds held are maintained in an attorney trust/escrow account. ☐ Yes ☐ No ☐ N/A
4. A separate bank account is maintained for non-fiduciary funds. Said account(s) is(are) expressly designated as "attorney business account" or "attorney operating account." ☐ Yes ☐ No ☐ N/A
5. Other than the minimum amount of non-fiduciary funds allowable (no more than \$500 to cover bank service charges), only funds held in a fiduciary capacity are held in any attorney trust/escrow account. Other funds, including earned fees, are not commingled with escrow funds. ☐ Yes ☐ No ☐ N/A

6. Check register balances for all bank accounts are reconciled monthly to bank statement balances. ☐ Yes ☐ No ☐ N/A
7. With respect to attorney trust/escrow account(s), there is a client subsidiary ledger maintained with monthly listings of client balances stating client name, balance, cash receipt and cash disbursement transactions, and the total of all client balances. ☐ Yes ☐ No ☐ N/A
8. With respect to the client subsidiary ledger of the attorney trust/escrow account(s), negative balances did not exist OR if a negative balance did exist for any client, then a timely transfer was made from the operating or business account to cover the negative balance. ☐ Yes ☐ No ☐ N/A
9. With respect to attorney trust/escrow account(s), the reconciled end-of-month cash balance agrees with the total of the client balance listing of the client subsidiary ledger. ☐ Yes ☐ No ☐ N/A
10. With respect to attorney trust/escrow account(s), all fiduciary funds are identified. ☐ Yes ☐ No ☐ N/A
11. With respect to attorney trust/escrow account(s), I have reviewed the fiduciary funds held, or caused them to be reviewed by the responsible attorney, and determined that they should continue to be held, and have rejected the need to disburse the funds or transfer the funds to a separate interest bearing account. ☐ Yes ☐ No ☐ N/A
12. With respect to attorney trust/escrow account(s), for those fiduciary funds which should be disbursed and for which checks have been issued in an attempt to disburse funds, all checks have cleared within six months from the date of issuance OR for each check which has not cleared within six months, steps are promptly being taken to contact the payees to determine the reason the checks were not deposited, and replacement checks are being issued, as necessary and appropriate; with regard to abandoned or unclaimed trust funds, these account(s) comply with Supreme Court Rule 73. ☐ Yes ☐ No ☐ N/A

(State "N/A" to Questions 13 and 14 if a computer system is used.)

13. A manual system is used to comply with Rule 1.15. Cash receipt and cash disbursement journals are maintained for each bank account for the recording of fiduciary and non-fiduciary transactions; and transaction columns are totaled and balanced each month. ☐ Yes ☐ No ☐ N/A

14. A manual system is used to comply with Rule 1.15. A general ledger is used; OR a reconciled monthly cash balance for each bank account is obtained by matching totals from the cash receipts and cash disbursement journals to the ending check register balance. ☐ Yes ☐ No ☐ N/A

(State "N/A" to Question 15 if a manual system is used.)

15. A computer system is used to comply with Rule 1.15. A hard copy of all financial records, as required by Rule 1.15, is printed each month. ☐ Yes ☐ No ☐ N/A

Section Three:

BANK ACCOUNTS TO BE IDENTIFIED BY ACTIVE DELAWARE LAWYERS WHO ARE ENGAGED IN THE PRACTICE OF LAW IN DELAWARE and WHO ARE RESPONSIBLE FOR THE MAINTENANCE OF FINANCIAL BOOKS AND RECORDS REQUIRED TO BE DISCLOSED HEREIN AS THE MANAGING PARTNER OF A FIRM OR OTHERWISE Per Section One, (2)(B) or (D).

1. Identify herein, or on a document attached hereto and incorporated herein, the following information for each attorney trust/escrow account required to be disclosed herein (i) which you or an attorney or an employee may draw on and/or has signatory authority, and (ii) in which funds of clients or other persons not associated with your firm are placed.

(a) Financial Institution: _____

(b) Name of Rule 1.15A Attorney Escrow (or Trust) Account: _____

(c) Account Number: _____

(d) Is it an IOLTA account? _____

2. Identify herein, or on a document attached hereto and incorporated herein, the following information for each account in which funds are held (operating or business accounts) in connection with your practice of law, which you or an attorney or an employee may draw on and/or has signatory authority.

(a) Financial Institution: _____

(b) Name of Attorney Business (or Operating) Account: _____

(c) Account Number: _____

3. Identify the address(es) where the books and records for accounts required to be disclosed herein are located.

4. Identify the name and business address of the person(s) who maintain(s) the books and records for accounts required to be disclosed herein.

Section Four: **PERSONAL CERTIFICATION TO BE COMPLETED BY ACTIVE DELAWARE LAWYERS WHO ARE ENGAGED IN THE PRACTICE OF LAW IN DELAWARE and WHO ARE RESPONSIBLE FOR THE MAINTENANCE OF FINANCIAL BOOKS AND RECORDS REQUIRED TO BE DISCLOSED HEREIN AS THE MANAGING PARTNER OF A FIRM OR OTHERWISE Per Section One, (2)(B) or (D).**

(1) I hereby certify to the Delaware Supreme Court that the information contained herein is true and correct.

(2) Before preparing this Certificate of Compliance, I hereby certify that I personally reviewed Rules 1.15 and 1.15A of the Delaware Lawyers' Rules of Professional Conduct and the comments thereto.

(3) I hereby certify that this Certificate of Compliance accurately reflects compliance with the requirements of Rules 1.15 and 1.15A, regarding the accounts required to be disclosed herein.

(4) I hereby certify that I have identified all banks or other places in which accounts are maintained which an attorney or an employee may draw on and/or for which an attorney or an employee has signatory authority, required to be disclosed herein.

Signature _____ Date _____

PRE-CERTIFICATION (optional)

My Certification is based upon my own review, as well as the pre-certification attached hereto by the following independent certified public accountant, pursuant to the procedures set forth in Regulation V(5) of the Lawyers' Fund for Client Protection:

Name: _____

Firm: _____

Address: _____

Telephone no.: _____

Fax no.: _____

E-mail address: _____